

PATENT COOPERATION TREATY

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NATIONAL RESEARCH COUNCIL OF CANADA
(W. A. Keller, et al)

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TRANSGENIC PLANTS COMPRISING A CONDITIONALLY LETHAL GENE

To: International Preliminary Examining Authority
European Patent Office
D-80298 Munich
Germany

Dear Sir:

**REPLY TO WRITTEN OPINION AND AMENDMENT
PURSUANT TO ARTICLE 34 PCT**

This is responsive to the Written Opinion mailed on November 9, 2000 in the subject case. Please amend the application as follows, without prejudice or disclaimer:

IN THE CLAIMS

Please replace pages 47-53 of record, containing claims 1-59, with new pages 47-53 containing claims 1-58, enclosed herewith.

REMARKS

There are now 58 claims standing. Claim 1 has been cancelled, and claims 2-16 of record have been renumbered as claims 1-15, accordingly. New claim 1 specifies that the second gene, when expressed in a plant, confers a novel trait on the plant. The last clause in claim 1 has been deleted, as the presence of a promoter is inherent in the phrase "adapted for expression in a plant cell."